

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Robert Holloway, Jr.,)	Civil Action No. 8:15-4258-MGL
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
Major Lonnie Smith; Sheriff Tony Davis; John)	
Long; Sheriff's Dept. Greenwood S.C.,)	
)	
Defendants.)	

Plaintiff Robert Holloway, Jr., (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, brought this civil action construed as pursuant to 42 U.S.C. § 1983. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for review pursuant to the procedural provisions of 28 U.S.C. § 1915 and § 1915A.

On November 17, 2015, the Magistrate Judge issued a Report and Recommendation, (“the Report”), (ECF No. 9), recommending that this case be dismissed as frivolous without issuance and service of process. On November 30, 2015, Plaintiff submitted three, short, hand-written filings all in the nature of “Objections” to the Report. *See* ECF Nos. 11, 13 and 14. The Court has reviewed all of these filings, and the matter is now ripe for decision.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by

the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

In light of the standards set forth above, the Court has reviewed, *de novo*, the Report and Plaintiff’s several “Objections.” The Court has undertaken this *de novo* review, even though Plaintiff’s filings do not advance specific or even cogent objections to the Report. *See* ECF Nos. 11, 13 and 14. No where in Plaintiff’s incoherent submissions does he meaningfully counter the reasoned analysis of the Magistrate Judge.

For the forgoing reasons, the Court concurs with the reasoning of the Magistrate Judge and adopts the Report and incorporates it herein by reference, (ECF No. 9), overruling Plaintiff’s “Objections.” (ECF Nos. 11, 13 and 14). Plaintiff’s Complaint is thereby **DISMISSED** *with prejudice* as frivolous as well as dismissed without issuance and service of process. Additionally, this action shall be deemed one of this Plaintiff’s three “strikes” pursuant to 28 U.S.C. § 1915(g), given its frivolousness.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

December 3, 2015
Columbia, South Carolina